

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/527,462
SUGHRUE MION, PLLC Ref: Q86332

REMARKS

As a preliminary matter, the examination did not take into consideration the Preliminary Amendment that was filed on March 11, 2005. In that Preliminary Amendment, claims 1, 5-8, 10, 12 and 13 were amended and new claims 14-16 were added. Among other changes, the Preliminary Amendment eliminated the multiple dependencies objected by the Examiner on page 3 of the Office Action. In any event, to advance prosecution, Applicants herein respond the objections and rejections raised by the Examiner.

In this current Amendment, Applicants have amended claims 1, 8, 10 and 16 and cancelled claim 7.

Turning to the substance of the Office Action, the Examiner has objected to the disclosure as failing to include the proper headings. By way of this Amendment, Applicants have added the appropriate headings to the specification. Thus, it is requested that this objection be withdrawn.

The Examiner has also objected to the drawings as failing to illustrate the feature recited in claim 7. In view of the cancellation of claim 7, it is requested that this objection be withdrawn.

The objection to claims 8-13 should likewise be withdrawn as there are currently no multiply dependent claims present in the application.

With respect to the § 112 (second paragraph) rejection of claim 7, this rejection is now moot in view of the cancellation of claim 7.

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/527,462
SUGHRUE MION, PLLC Ref: Q86332

Applicants note with appreciation that the Examiner has indicated that dependent claim 3 contains allowable subject matter. Accordingly, and without prejudice, Applicants have added new claim 17 which corresponds in scope to claims 1 + 2 + 3. Thus, it is submitted that claim 17 is allowable.

Claims 1, 2, 5, 6, 7 and 14-16 have been rejected under § 102(b) as being anticipated by or, in the alternative, under § 103(a) as being obvious over Krivec (U.S. Patent No. 5,549,377). Further, claims 1, 2, 5, 6, 7 and 14-16 have been rejected under § 102(b) as being anticipated by or, in the alternative, under § 103(a) as being obvious over Ullman Jr. (U.S. Patent No. 3,726,579).

By way of this Amendment, Applicants have made clarifying changes to claim 1 in order to clearly distinguish claim 1 over the prior art. For the following reasons, it is submitted that claim 1 patentably distinguishes over the prior art.

Beginning with the rejection based on Krivec, for the Examiner's convenience, Applicants have provided as attachment "A", an enlarged copy of Figure 5 of Krivec, in which all of Krivec's reference signs have been removed and reference signs used in claim 1 of the present application have been added to correspond with the rejection entered by the Examiner. As should be apparent, Applicants respectfully submit that there are important differences between the drawer recited in claim 1 and the drawer disclosed in Krivec.

First, claim 1 requires that each of the side walls 12 and 13 is provided at the top with an uppermost recess 15 that extends along the entire side wall. Further, as viewed in a horizontal direction, each recess is opened towards the outside of the drawer. According to the Examiner,

reference numeral 115 (on the right side of the drawer in Attachment “A”) corresponds to the claimed recess. This is, however, incorrect, because the recess 115 in Krivec is not opened towards the outside of the drawer, but towards the underside of the drawer. In order to emphasize this distinction, claim 1 has been amended to recite that the recess 15 of the claimed invention is open toward the outside of the drawer **in the horizontal direction**. Specifically, whereas the opening 115 in Krivec is open in the vertical direction, the recess 15 of the claimed invention is open horizontally.

Another difference between the invention as recited in claim 1 and Krivec relates to the distance X recited in claim 1. More specifically, as recited in claim 1, the dimension Y is greater than the recess distance X. In contrast, as shown in Attachment A, in the Krivec drawer, the dimension X is substantially larger than the dimension Y, the exact opposite of the claimed invention.

Finally, the third difference relates to the Examiner’s misunderstanding of the spaces V and W, as recited in claim 1. With reference to Figures 3 and 4 of the subject application, spacing V corresponds to the horizontal spacing between the outsides of the uppermost support bodies. Further, spacing W corresponds to the horizontal spacing between the insides of the support feet 17. In contrast, in the rejection, the Examiner indicates that the spacing V corresponds to the width of each recess 15 and that the spacing W corresponds to the width of each foot 17. Claim 1 has been clarified to make it clear that the spacing W corresponds to a spacing between the inside of the support foot of one of the side walls and the inside of the support foot of the other side walls. Similarly, claim 1 now recites that the spacing between the

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/527,462
SUGHRUE MION, PLLC Ref: Q86332

outside of the uppermost support body of one of the side walls and the outside of the uppermost support body of the other side wall as viewed in the horizontal direction corresponds to the spacing V. With these clarifying changes to claim 1, it is clear that Krivec does not teach or suggest this aspect of the invention.

In view of the foregoing, It is respectfully submitted that claim 1 patentably distinguishes over Krivec.


Turning to the rejection based on Ullman, Jr. (U.S. Patent No. 3,726,579), Applicant submits herewith attachment "B" which is an enlarged copy of Figures 2 and 3 of Ullman, Jr. in which the reference signs have been removed in favor of the reference signs used in claim 1 of the present application, as applied by the Examiner. It is submitted that claim 1 patentably distinguishes over Ullman, Jr. for the same reasons discussed in regard to Krivec. In view of the clearly distinctions between claim 1 in Ullman, Jr., as are apparent in attachment "B", Applicants will not rehash these distinctions again. Clearly, claim 1 patentably distinguishes over Ullman, Jr. as well.

In view of the foregoing, it is respectfully submitted that all claims pending in the application are allowable. It is therefore requested that the application be passed to issue at the earliest convenience. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
Serial No.: 10/527,462
SUGHRUE MION, PLLC Ref: Q86332

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian W. Hannon
Registration No. 32,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 27, 2007

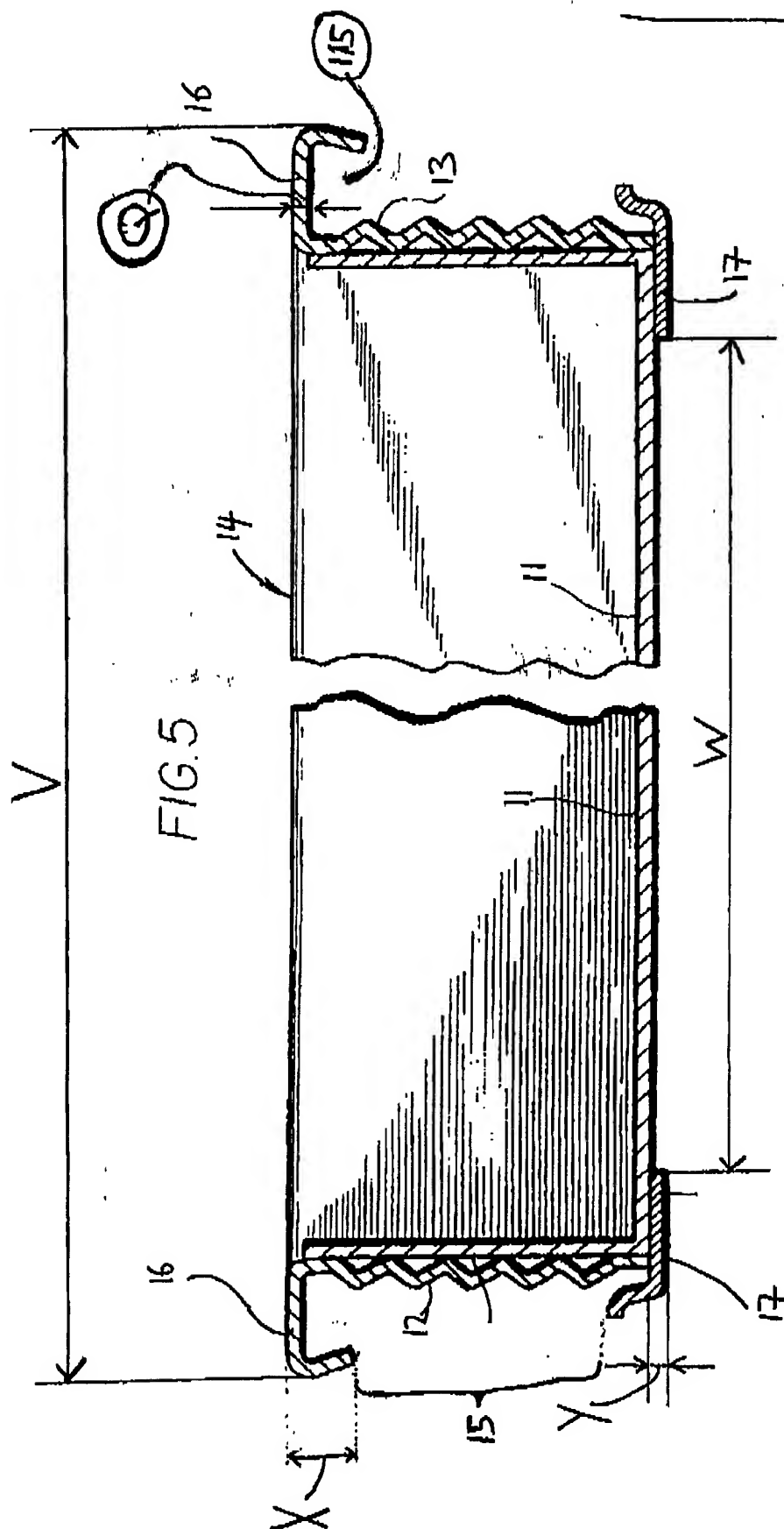
Attachment A

U.S. Patent

Aug. 27, 1996

Sheet 3 of 6

5,549,377

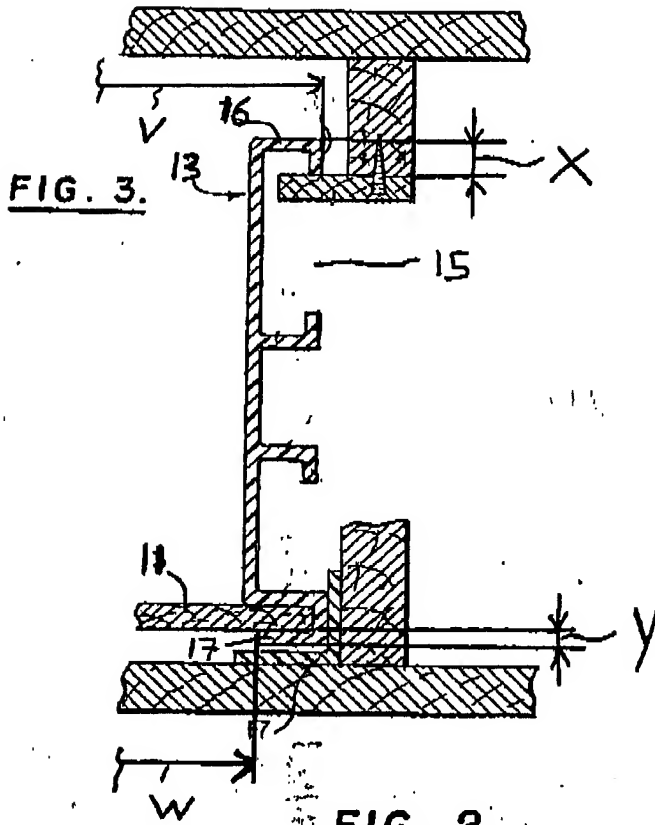
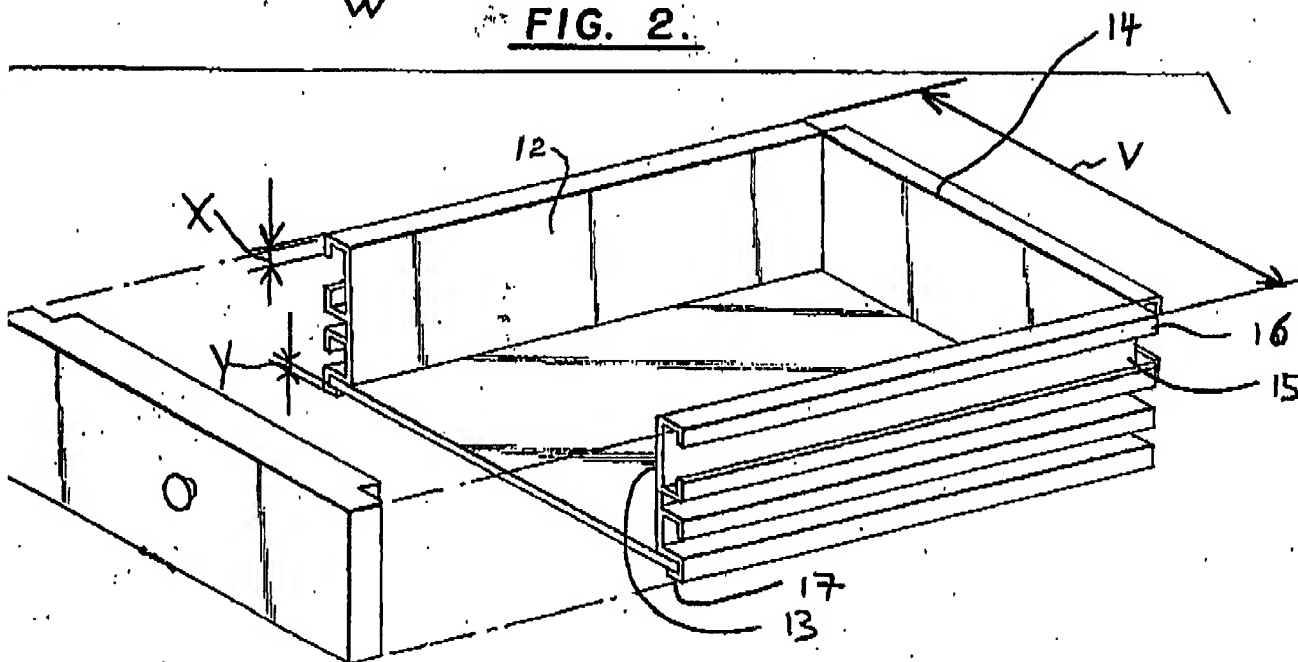


Attachment B

PATENTED APR 10 1973

3,726,579

SHEET 2 OF 2

**FIG. 2.**

INVENTOR

Myron E. Ullman, Jr.